

THE DAILY COMMONWEALTH.

VOL. 1.

FRANKFORT, KENTUCKY, OCTOBER 18, 1849.

NO. 15.

PRINTED AND PUBLISHED BY
A. G. HODGES, T. J. TODD & J. W. FINNELL
UNDER THE FIRM OF
A. G. HODGES & CO.

To whom all communications for the paper, or on business, should be addressed, post paid, to receive attention.

A. G. HODGES & CO., STATE PRINTERS.

TERMS.

For the Convention, per copy, \$2.50
Three copies will be furnished for 6.00
Eight copies will be furnished for 15.00
Newspaper in advance, 15.00

Enquiry at this office.

To any person who will send us TEN SUBSCRIPTIONS, and remit us TWENTY DOLLARS, we will give a copy of the Daily Commonwealth, gratis.

PROSPECTUS
FOR PUBLISHING AT THE CAPITAL OF THE STATE, THE
PROCEEDINGS AND DEBATES
OF THE

CONVENTION OF KENTUCKY,

To be held at Frankfort, the first Monday in October next, to adopt a New Constitution for the State.

The following resolution has been adopted by the Legislature, and approved by the Governor, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That John W. Finnell and William Tanne, and they are hereby authorized to procure the services of a corps of competent and faithful Reporters to report the Proceedings and Debates of the Convention, called to modify, amend, or re-adopt the Constitution of Kentucky: Provided, That the contract, when made with the Reporters, shall be submitted to, and approved by, the Governor of the Commonwealth.

Under the sanction of this authority, the services of the most competent Stenographers to be procured in the Union, will be secured, to report in full the PROCEEDINGS AND DEBATES of the Convention to meet as above.

The Reports will be more full and accurate, it is believed, than those of any similar body, the proceedings of which now constitute part of the history of the constitutional science of our great confederacy. For, besides having the official sanction of the Convention, and the supervision of the legislative agents named in the resolution above, they will first be published in a cheap daily edition, and if any inaccuracies should occur in them, they will be discovered and corrected before the matter of the Report is transferred to the book form in which they are now proposed to be published.

The progress of Constitutional reform in the United States is not one of the least interesting features of our national prosperity, as it shows the growth of the public mind in the appreciation of the science of government, and has kept up with the increase of population, of power, and of glory.

Our own State Constitution, now entering on the advance of half a century, in the vigor of its maturity, was amongst the best of its day, as the hardy and enlightened men who formed it were in advance of their contemporaries of other States in the practical knowledge of republican government. But it has now grown old, and the people have, by an overwhelming majority, resolved that it shall be subjected to the ordeal of a thorough revision. That this duty will be well and faithfully performed, we have the surest guarantee in the strong minds, stately wits and general intelligence of our people, which will cause them to select delegates possessing the highest order of talents, and the best qualifications, for the important duty assigned them.

From the distinguished character of Kentucky Statesmen at home and abroad, for eloquence, patriotism and judgment, the Delegates in the Convention are expected to evoke the purest principles in the science of government, and to be characterised by a dignity of manner and elegance of style which will command them to the literary taste, and general interest of all classes of our fellow citizens. But the greatest value which will attach to this proposed authentic history of the Convention, and that which will most command it to the public patronage, will be its capacity to show to the people, and to posterity, the process and reasons which led to the adoption of the organic law of the State, and to declare to them, in clear and unmistakable language, the principles upon which each provision stands—the motives which governed the builders of the arch of their civil and religious liberties; in fact, the mode in which every stone of the political edifice was laid.

In 1776, Mr. Madison foresaw with the keen of a prophet, that after generations would seek with the natural avidity of curious and inquiring minds, for the reasons, objects and opinions of the enlightened body which formed the Constitution of the United States, to enable them to see by what process of reasoning the new system of government adopted by them, received its peculiar structure and organization. Congress paid for his comparative meager, but accurate and interesting reports, in manuscript, thirty thousand dollars, and the people in every State, and in almost every town and county in the Union, sought to secure copies at a high price. It is true that Convention was forming a CHARTER OF LIBERTY for a NATION; and when the work of their hands has withstood the scrutiny of mind, and defied the vicissitudes of time for nearly three-quarters of a century, the interest attached to their proceedings, is greater than can be claimed for any other production of the genius or intellect of man.

It is here proposed to do for Kentucky the work which Mr. Madison performed for a Nation, and the prediction is ventured, that fifty years will find the history of the Convention in Kentucky, to possess scarcely less interest than that of the conscript fathers of 1776.

By securing a copy of these Debates, every man will have the arguments and reasons before him, to guide him to an intelligent decision when the new Constitution shall be submitted to his approval; and thus, whether good or bad, he can act upon it as a discriminating judgment will dictate. Hence, we rely with confidence on the intelligence and liberality of our fellow citizens to extend to the proposed work, a patronage commensurate with its importance and its intrinsic value.

TO MILLERS AND MILL OWNERS.

I. L. ROBERTS, Millwright and Engineer, will attend to building and repairing of Mills, propelled by either water or steam, on the most improved plans. All work warranted to give entire satisfaction. Charges moderate. Apply to

NEW LIVERY STABLE.

HENRY GILTNER

RESPECTFULLY announces to his friends and the public generally, that he has completed his large new stable opposite the Hotel, in the corner of Main and Second streets, all who may furnish him with a call, will first furnish him, and who may furnish him with a call, will first furnish him.

RENT HORSES, BUGGIES AND CARRIAGES, on the most reasonable terms.

Horses kept by the day, week, month or year.

Portion of the public patronage is respectfully solicited.

Frankfort, Sept. 23, 1849.—764-1f

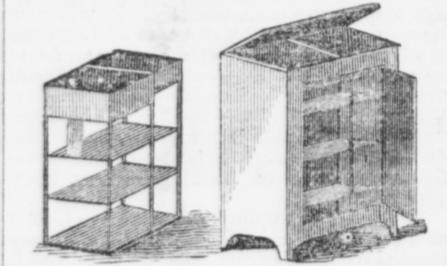
Fair Warning.

WE have now been doing business in Frankfort for nearly three years, and in the mean time have been very liberal in our services, which we have given to the public. We now NEED MONEY, which we MUST HAVE, and we hereby give fair warning to all those who know themselves to be indebted to us, to come forward and settle up, or else we will be compelled to sue for our debts.

Copies of the plot may be seen at the Commonwealth office, Yeoman office, Weisiger House, and Mansion House.

Any information relative to price, terms of sale, situation, &c., can be had of J. R. Page, on the premises of Jas. S. Evans, Frankfort, or of the undersigned, at Frankfort, Ky., September 19, 1849.—829-1f.

SCOTT'S Patent Improved and Ventilated



REFRIGERATORS, ON A NEW PRINCIPLE!!

THIS superior article is so constructed that the ice water runs slowly between each metallic shell, which is double, thereby causing its refrigerating influence to be the same throughout the whole apparatus.

The water, as it melts from the ice, is conducted with the apparatus, and directed into lots varying in size from 50 to 60 feet, to 100 to 150 feet.

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THOS. S. PAGE,

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T. S. P.

Frankfort, Ky., September 19, 1849.—829-1f.

LIFE INSURANCE.

AN ACT to amend the Charter of the Nautlius Insurance Company, in the City of New York.

Passed April 5th, 1849.

SECTION 1. The People of the State of New York, revere the public generally, that he has completed his large new stable opposite the Hotel, in the corner of Main and Second streets, all who may furnish him with a call, will first furnish him, and who may furnish him with a call, will first furnish him, and who may furnish him with a call, will first furnish him.

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THURSDAY OCTOBER 18, 1849.

JOHN W. FINNELL, Editor.

A project has been set on foot to construct a branch railroad from Shelbyville, to intersect the main-line of railroad from Frankfort to Louisville. The News favors the building of the road, and estimates the probable cost at \$50,000 or \$60,000.

The great railroad convention assembled in St. Louis on Tuesday. Mr. A. Douglass, of Illinois, was called to the chair, and delivered a brief and eloquent address. A number of Vice Presidents were appointed, among whom we find the name of H. J. Eastin, Esq., of Kentucky. A resolution was introduced calling on congress to act promptly relative to the Pacific railroad. Mr. Benton rose and read a letter just received from Col. Fremont, stating that the convention should designate no route across the Rocky Mountains. He believed the pass between the head waters of the Arkansas and del Norte the most practicable and nearest. Gen. Persifer F. Smith had sent out exploring parties with a view to report to congress. He dwelt long and eloquently upon the importance and nationality of the road.

The convention is very large; 464 from Missouri, 17 from Pennsylvania, 3 from New York, Ohio 23, Tennessee 13, Indiana 35, Kentucky 3, Illinois 264, Iowa 47, Wisconsin 3, Michigan 5.

A resolution was adopted that a committee of one from each state draft a memorial to congress presenting the objects and designs of the convention. Judge Price offered a resolution recommending the 40th degree of latitude as the best route for the railroad. Gov. King, of Missouri, spoke warmly upon the same, as the project was opposed to that of Col. Benton. A political division of the democrats of Missouri has manifested itself. Gen. Clarke, of Missouri, interfered to quell all dispute, and was followed by Judge Williams, who delivered a very able and eloquent speech. Mr. Lathrop, of Louisiana, moved to lay the resolution upon the table, when harmony was temporarily restored.

Letters from various distinguished persons from various parts of the Union were ordered to be printed. The report of the Topographical Engineer of Washington on various routes, was referred to the committee on resolutions.

We gather the foregoing facts from the telegraphic despatch to the Louisville papers of yesterday.

The Louisville Courier of yesterday, contains several California items of interest, gleaned from the letters of several of the former citizens of Louisville, now in the gold regions. The company under E. Bryant, Esq., made the trip from Independence to San Francisco, in eighty-five days. Mr. Bryant had been quite ill—had lost about forty pounds in flesh!—but was recovering, and had the gratification to find himself a man of wealth; made so by the rapid appreciation in value of his town property in San Francisco! We congratulate him upon his good fortune, and we trust that he may be restored to health, and that he may live many years to enjoy his newly acquired fortune.

In referring to the report of the committee on the court of appeals, reported by Mr. C. A. Wickliffe, and now under discussion in the Convention, the *St. Louis News*, of Wednesday, says:

The project for the court of appeals, shadowed forth in a letter in the News last week, is given at length to-day. If we must have an elective judiciary, the project may do with the exception of the migratory principle. *That* is abominable; and we have yet to hear the first approval.

The vote of the people of Ohio, on the proposition for a convention to amend the constitution of the state, is not yet distinctly ascertained, but it is thought that the constitutional majority in favor of the proposition has not been secured.

The Cincinnati *Atlas* says, that great difficulty was found in empaneling a jury to try McCabe, charged with murder; several who were called to the jury box, and examined on oath, declared they could not find him guilty of murder in the first degree, though the evidence might be ever so plain—they were conscientiously opposed to the death penalty.

A NEW WORK BY MR. CALHOUN.—The New York Courier understands that the Messrs. Harper will publish before a great while, from the pen of John C. Calhoun, a Treatise on the Elementary principles of Government and the Constitution of the United States.

CHOLERA AT SEA.—Thirty-six passengers died of Cholera, on the ship Columbus, which arrived at New York on Sunday from Liverpool, and five on board the Hottinger, including four sailors, which arrived on Monday.

The St. Louis *Republican* thinks that if the Whigs stand off, there will be a fair prospect for a beautiful contest for United States Senator among the Locofocos of Illinois. From present advice Gen. Shields has lost several friends, while Breese men have been elected in their places. Col. McClelland, of Shawneetown, is also a candidate, but his supporters are few. There is no telling how things will result.

THE SCARCITY OF WOMEN IN CALIFORNIA is taken advantage of by the unmarried females of the Mexican States in that vicinity, who are finding husbands in plenty among the gold seekers.

FATAL RENCONTRE.—On Saturday night last, as we learn on reliable authority, a fatal encounter occurred in Woodford county, on the Versailles turnpike, about three miles this side of the town, between a free negro named Sam Waters, and a white man by the name of Lytle Stevenson. The facts, as nearly as they have yet been ascertained, are as follows: Stevenson came to the house of Waters late at night, knocked for admittance. The latter went to the door and opened it, and as he says, Stevenson then struck him several blows with a stick; whereupon he attempted to push Stevenson from his door, and while engaged in the effort, shot one shot Stevenson from the outside. The ball passed through his heart, and he expired immediately. The manner of his death, as thus related, is the story of the negro. A coroner's jury was called, which, after investigating the matter, returned a verdict that Stevenson came to his death by a shot fired by Waters. The latter is now in jail, awaiting his trial. Lexington Statesman.

For the Commonwealth.

THE COURT OF APPEALS.

MR. EDITOR:—I observe that one of your correspondents has recently made some very sensible suggestions to the convention, against the proposition now before that body to require the Court of Appeals to sit at four different points in the state. I think every thing he has said must commend itself to the good sense of the delegates; but he has not exhausted the subject, and I beg leave to state a few facts by way of additional suggestions:

At the last term (summer term of 1849) there were 367 cases set for trial, 315 of which were ready. Of these 315 that were heard, 288 were decided, and 27 held under advisement. This shows a promptness in deciding cases such as is equalled in but few if any of our sister states; and is far greater than can be expected, if the court is required to sit in four different places, and compelled to hear and decide (as your correspondent has shown) will be the one third more cases, with far less facilities for examining questions of law.

2. To the 367 cases upon the docket, the names of 182 different lawyers were marked. Of these 13 live in Franklin county, and the remaining 175 in 33 other counties of the state. During the term, 54 lawyers residing in other counties than Franklin personally attended the sitting of the court, at different times. This shows that there is no monopoly of the business by lawyers of any particular place.

3. Not one case in ten is argued orally; nearly all are submitted upon written arguments. The lawyers resident in Frankfort, who could do so without any inconvenience, make but few oral arguments in this court; the result of experience and observation being that it is generally best to rely upon a carefully prepared brief. And this is reasonable; for as cases are generally not decided for a week or two—sometimes not for several months—after they are argued or submitted, it is impossible that the court should from recollection have the arguments and authorities adduced in a speech as definitely before them, as if they were in their hands in writing. This being so, the lawyer here has no advantage in argument, over a lawyer at a distance. The latter can prepare his argument at his office, and mail it to the clerk, and be thereby efficiently heard in his case as if he were personally in court. But if lawyers wish to be present at the trial of their cases, there is in fact no great difficulty found in it. Lawyers now practice in it from all parts of the state—from Carter and Greenup to Hickman and Fulton, and from Knott to Kenton. The cases are all set for particular days, and all from the same section are set together. The lawyers concerned select the time, and the cases are fixed to suit them, so that they may attend in person, if they choose. One fact which happened during the last term will give an idea of the convenience of this arrangement. On the evening preceding the day for which the cases from Mason county were set for trial, Mr. Hord of Maysville, inquired, by telegraph, "Are the court up with the docket?" An affirmative answer was given. Next morning he and Mr. McClung appeared in court, and argued the important case of Trippett vs. McCormack.

4. Branching the court will make no saving of expense in sending records and briefs by mail. Postage is the same for any distance under 300 miles, and very few points in the state are more than 300 miles from Frankfort. One dollar will pay the postage on a record of 100 pages and a written argument, from almost any county.

5. As already stated, 54 lawyers residing out of Franklin county attended at the last term, and that too in a season when the cholera doubtless kept many at home. If the court sat in four different places, the greater part of the five or six hundred in the state would attend. Nearly all contested cases would be brought up. At present more than half that are brought up are affirmed—that is, they are brought up without any good reason. Under the proposed change, it is probable that so many would be inconsiderately brought up, that three fourths of them would be affirmed. Thus a vast burden of unnecessary costs would be imposed upon the parties, and the community annoyed and injured by a great increase of litigation.

6. This proposed change in the place of holding in the Court of Appeals, is a change for which the people have not asked. That the court sat only in one place has never been mentioned among the grievances which the convention was called to remedy. The change is not for the benefit of the people. They have not asked for it. Why should it be forced upon them?

7. I beg leave to correct your correspondent's estimate of the value of the public law library in the Capitol. His estimate of \$3000 is not half its value. After deducting all the books received gratuitously from congress, &c., there are over 1500 volumes of law books there, all useful and valuable. Four dollars per volume is a very low estimate for their cost or value. This shows the library to be worth at least \$6,000. Yet this library is not as large as it should be for the use of the court. Many important and valuable recent works are not in it. The court very frequently are referred to books as authorities which they cannot get. At the very last term, the Secretary of State sent to one of the eastern states for a book which they wished to examine in deciding a very important case. At least one thousand dollars more should be expended upon the library to make it such as the Court of Appeals of Kentucky should be furnished with. And where are four such libraries to be obtained to supply the court at the four different points where it is proposed to require it to sit?

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GEN. SANTA ANNA'S APPEAL.—The New Orleans Picayune has received a copy of a work just published in that city, called an "Appeal to the good sense of nations and foreigners," by Gen. Santa Anna, containing the defence of the President of Mexico, against certain charges preferred against him by Señor Don Roman Gambra, on the 17th of August, 1847, relative to his conduct during the time he held power in that country, and particularly while he commanded the army operating against the Americans. This appeal includes various documents of the greatest importance to history, several of which were never before published. It is a compilation of what Santa Anna offered in his defence before a court of inquiry. The whole, adds the Picayune, has been carefully translated and prepared for the press in English, by Mr. Diego Murphy, of New Orleans, a gentleman whose talents will justify the choice made by Gen. Santa Anna.

HONESTY IS THE BEST POLICY.—It is evident, from the continued silence of the *Union* on the subject of the Poisson difficulty, that it sees the injustice and absurdity of the course which it has pursued in that matter in its zeal to defend its "foreign relations." Yet it has not the honesty to acknowledge its error, and permits its gross imputations against Commander Carpenter to remain uncorrected.

One of the "vigorous writers" of the *Union* spoke appositely, the other day, of "that simple, but noble maxim, *honesty is the best policy*." This was in a querulous use of adjectives, even though simple enough, cannot properly be designated as "noble." One might as well talk about "that noble maxim, *a pin a day is a great year*." We will not, however, quibble with the *Union* upon this point, if it will only profit by its own recommendation.

It is undoubtedly true that honesty is the best policy; and if the *Union* cannot be induced to be honest from any nobler consideration, we trust that the recollection of this maxim will not be without avail.—*Republic*.

LIBERTY IN FRANCE.—The existing phase of the French *Republic*, is thus described by Mr. Bayant, editor of the *New York Post*, who is now in Paris:

At present there is *very little political liberty* in France, except the liberty of suffrage. The police can seize the printed sheets of any journal containing expressions which the government happen to dislike, and prevent its circulation. The law punishes with severe penalties the vague offence of printing and publishing anything which is calculated to bring hatred and contempt on the government, and therefore a trial by jury is allowed in such cases; all the jury has to do, is to say whether the obnoxious article was published or not; the judges who are the creatures of the government, decide whether the law is violated or not. There is no chance therefore, of escape, when the government has marked out its victim. People are arrested and detained, by order of the government, and there is no process like that of our *habeas corpus*, to deliver them, if confined on a frivolous or insufficient pretext. There is no liberty of assembling to express public opinions on political questions, in addresses and resolutions, or we should have seen the entire people moving on the Roman question. In short, here is a government, with popular forms, conducted in the worst spirit of oligarchy, and allowing ample scope for the exercise of the most capricious tyranny.

FRESH BALTIMORE OYSTERS, T. P. PIERSON.

HAVING been appointed agent for one of the best Baltimore Oyster Lines, is prepared to furnish as good an article as can be obtained in market, in any quantity. He will leave Frankfort every Monday day at 12 o'clock. Leaves Oregon every Sunday and Wednesday at 9 o'clock. Leaves Frankfort every Sunday and Wednesday at 9 o'clock. For freight or passage apply on board or to Sept. 12, 1849—\$314. JNO. WATSON & CO.

REGULAR LOUISVILLE PACKET.

THE PACKET SKA GULL will resume her former days of departure. Leaves Munay's Landing every Saturday at 8 o'clock. Leaves Oregon same day at 10 A. M. For Frankfort and Oregon every Wednesday, at 10 A. M. For Frankfort or passage apply on board or to June 28, 1849—\$324. LAZ. LINDSEY, Agent.

OCTOBER 15.—U. H. B. FARRAR.

FRANKFORT and CINCINNATI PACKET.

The superior Steamer, DIANA, B. H. PERRY, Master, will run as a regular packet between Frankfort and Cincinnati.

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BOOKS, STATIONERY, &c.

AT TAYLOR'S BOOK STORE,

Sign of the Big Book, Main Street, Frankfort.

THE undersigned would respectfully inform the public, that he is now in the receipt of a large and well selected stock of **BOOKS**, **STATIONERY**, &c., comprising a great variety, kept in a large Book Store, consisting in part, of the following, to-wit:

LAW, MEDICAL, THEOLOGICAL, and MISCELLANEOUS BOOKS:

A general assortment of holm's fine Pen and School Books; Pocket Knives; Envelopes & Visiting Cards of every quality; Pen Foliols; Fine Prayer Books; Testaments; Blank Books of every description; Cap and Letter Paper; Quills, Pens, Ink, &c.; Rogers' and Wostenholme's Cutlery.

Persons desirous of supplying themselves with Books and Stationery, are respectfully invited to call and examine his Stock and prices before purchasing elsewhere.

He will be constantly in the receipt of all the late and important Works as they issue from the press.

Special orders for Books, &c., not on hand, attended to on short notice.

All of which he is determined to sell at low prices for CASH.

Main street, 4 doors from the Corner, Frankfort, Oct. 4, 1849.—341.



WOODRUFF & MCBRIDE,

WHOLESALE AND RETAIL IMPORTERS

AND DEALERS IN

HARDWARE AND CUTLERY.

MANUFACTURERS of Plates, and all kinds of Farmers' and Mechanics' tools, all of which they will sell as low as any house in the country, merchants will please to call at No. 53, Third street, near Main, next to the Courier office, Louisville, Ky.

Louisville, October 2, 1849.

UNIVERSITY OF LOUISIANA.

LAW DEPARTMENT.

THE Lectures and Course of Instruction in this Department will commence on the *first Monday of December next*, and continue until the *first Monday of April*. They are intended to embrace the most important branches of the Common and Civil Law, Public International and Constitutional Law. Lectures will be delivered upon the various branches and subjects, by four professors.

Those by Professor **HENRY A. BULLARD** will embrace.

I. The history of the Roman Law, from the earliest times.

II. An Analysis of the General Principles of the Roman Civil Law, according to the most approved method of the German School.

III. The Jurisprudence of the Law compared with the English Law and the Codes of France and Spain.

IV. An Outline of the Land Titles in Louisiana, whether derived from France, Spain, or the United States.

Those by Professor **THEODORE H. MCALLEN**, will treat of:

I. Admiralty and Maritime Law, embracing the Rights and Obligations of Masters and Mariners, Collisions, and other Maritime Torts, General Average, Salvage, and other Maritime Accidents, Maritime Insurance and Hypothecations, and Contracts for Maritime Services in Building, Repairing and Supplying Ships.

II. International Law, embracing the Law of Private International Law, the Practice of the Public and Private Rights of States in their Pacific and Hostile Relations, Treaties of Peace, and Private International Law.

III. The Jurisdiction of the Courts of the United States, embracing the Original and Appellate Jurisdiction of the Supreme and Circuit Courts, and the Original Jurisdiction of the District Courts as Courts of Revenue, and as Prize and Instance Courts of Admiralty.

The Lectures by Professor **RANDOLPH HUNT** will treat of:

I. Commercial Law as it relates to Mercantile, Maritime, Mercantile Property and Commercial and Mercantile Remedies. These Lectures will treat of Sole Traders, Partnerships, and Corporations; of Principal and Agent; of Bills of Exchange and Promissory Notes and Shipments; of Balances and Creditors, and the Law of Bills of Lading, by Charter Party, and for Conveyance in a General Ship; of Freight, Jetison, and Average Salvage and Insurance; of Sale, Guarantees, Liens, and Stoppage in Transitu.

II. The Criminal Law and Practice in Courts of Criminal Jurisdiction.

III. The Law of Evidence.

Professor **THOMAS B. NASH** will deliver Lectures and instructions upon these branches of Law:

I. The Common Law as it was in England, and as it is now found in the United States in the Federal and State Governments.

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V. The Systems of Common Actions and Pleadings, with the Practice in each, as recognized in the Courts of Common Law, in contradistinction to those of Equity and Admiralty.

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The Moot Court will be open all the time, and will be held regularly every day by one or other of the professors, or by some one who has been personally known to one of the professors, or introduced satisfactorily, and before his admission into the school he must matriculate by the payment of the sum of five dollars to the Dean of the Faculty or Secretary of the University, and, thereafter, after he will have been admitted, he will be wise to satisfy each professor the sum fixed for his reward.

The fee of each professor is fixed at twenty-five dollars.

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